

Case: Hercules

Case Number: CR-FY97-058

Person Interviewed: Robert Peters, BASF Logistics Coordinator
Edwin Bergmann, BASF Senior Environmental Engineer
L. H. "Bubba" Moore, BASF Logistics Manager

TNRCC Office: Region 12 - Houston

Location: BASF
602 Copper Road
Freeport, Texas 77541

Date/Time: September 2, 1997 / 2:30 pm

On September 2, 1997, TNRCC Special Investigator (SI) Brian Lynch interviewed Robert Peters, Edwin Bergmann, and Bubba Moore at their BASF office on Copper Road in Freeport, Brazoria County, Texas. SI Lynch identified himself as a criminal investigator with the TNRCC. Lynch advised Messrs. Peters, Bergmann, and Moore that he was investigating the cleaning of barges from BASF at Hercules Marine Services Corporation (Hercules) that had contained cyclohexane from November 1996 to present and that he would like to ask some questions concerning this matter. The gentlemen indicated that they were willing to answer such questions.

Peters advised that he is usually the contact person for Hercules at BASF. Lynch asked Peters who he would contact at Hercules to notify them that BASF would be sending them a barge to be cleaned. He advised currently it was Jimmy Jackson and previously it had been Larry Ballinger. He advised that since about April 1997, he notified Hercules by facimile of the barge being sent to be cleaned at Hercules and that prior to this he called by telephone to notify of the barge being sent there. Peters advised that Larry Ballinger was the Hercules Manager and that 99% of the time he would notify the Hercules Manager of the barge BASF would be sending to Hercules to be cleaned. Lynch asked Peters if BASF sent barges to Hercules to have cyclohexane cleaned out between the time period of November 1996 to April 1997. He advised that BASF did send such barges to Hercules during this time period. He advised that most of the time during this time period he called Larry Ballinger and told him that BASF was sending a cyclohexane barge to Hercules to be cleaned. Peters said that he is sure Larry Ballinger knew BASF sent cyclohexane barges to Hercules to be cleaned during this time period because he called him and told him so. Lynch asked Peters if he was sure Ballinger knew about Hercules receiving cyclohexane barges after November 1996 and Peters stated "no doubt about it".

Peters advised that BASF provided material safety data sheets (MSDS) for cyclohexane to Hercules. He advised that it is routine for BASF to send cyclohexane barges to Hercules to be cleaned out, but not frequent. He advised that BASF sends about one cyclohexane barge every

two months to Hercules to be cleaned. He advised that during some months more such barges are sent and other months fewer such barges are sent. Peters advised that in November 1996 notification of the barges being sent from BASF to Hercules was mainly verbal.

Lynch asked Peters, Moore, and Bergmann when did they BASF find out of the problem at Hercules with them receiving cyclohexane barges for cleaning when Hercules had no vapor control system in place. Bubba Moore advised that when the two girls from TNRCC came out and asked to look at barge cleaning records from February 1997 to present. Moore advised at first they said it was a routine visit and then Moore advised during the second meeting the TNRCC inspectors said they needed to make copies of the records. Next, Peters and Moore discussed the question and then said that the TNRCC girls did not tell them of the problem. Then Peters advised Larry Ballinger called and told him that Hercules could no longer clean cyclohexane barges. Peters advised that he received this call after the second visit from the TNRCC on that same day.

Peters advised that until Ballinger called after TNRCC had been to BASF twice, he did not know of a problem at Hercules. Peters advised that Ballinger told him that Hercules had been cleaning cyclohexane barges and they were not supposed to be doing so.

Lynch asked did BASF have a cyclohexane barge at Hercules which was sent away from Hercules because they would not clean it because the TNRCC had discovered this activity had been occurring. Peters advised that he may have had a cyclohexane barge at Hercules to be deballasted.

Lynch asked if BASF had conducted an environmental audit at Hercules. Moore advised that BASF just completed such an audit, but that prior to this one had not been done to his knowledge. Peters and Bergmann agreed with Moore.

Peters advised that Jimmy Jackson recently told him that Hercules now has a thermal oxidizer operational to control vapors from cleaning barges at Hercules. Lynch asked Peters if he had ever heard of the Hercules thermal oxidizer prior to Jackson's recent call. Peters advised he had never heard about this before and never discussed it with Larry Ballinger.

Lynch asked if BASF sent barges to any other barge cleaning facilities. Peters advised that they started using Texas Barge and Boat (TBB) since TNRCC came in. Peters advised that he did not know if Mark Hanna sent any BASF barges to TBB in 1996. Lynch asked what Hanna did at BASF. Peters advised that Hanna is now the Customer Technical Services Representative for BASF. He advised that previously Hanna had his job as Logistics Coordinator. Lynch asked Peters how he learned about TBB. He advised that Bob Ingman of BASF Purchasing Department knew about TBB.

Lynch asked how did BASF control cyclohexane emissions when unloading it at BASF. Bergmann advised that BASF had a closed system which prevented cyclohexane emissions at BASF.

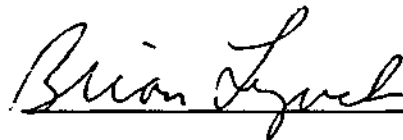
Lynch asked if Peters would provide the following documents:

1. BASF monthly schedule of cyclohexane shipments picked up by BASF in barges.
2. BASF work requests faxed to Hercules describing the barge to be cleaned.
3. MSDS for cyclohexane.
4. Peters Day Planner notes on contact with Larry Ballinger.
5. Barge cleaning procedures.

Peters advised that he would provide these documents and that Lynch could contact him later in the week to obtain these documents.

Moore advised that he would contact ITS Caleb Brett and notify the manager Bobby Fuller that BASF authorized Caleb Brett to allow Lynch to review and copy documents related to cyclohexane barges cleaned by Hercules for BASF which Caleb Brett inspected. Moore advised that BASF would cooperate with Lynch on the investigation.

Signed:

A handwritten signature in cursive script, appearing to read "Brian Lynch", is written over a horizontal line.

Date prepared:

September 12, 1997